

## REMARKS

The allowability of claims 2, 3 and 5-9 is acknowledged appreciatively.

The objections and rejections under 35 USC 112, second paragraph, are attended to above without narrowing to invoke any Festo decision. Other non-narrowing and, therefore, non-invoking editorial changes are also made, for example, moving the preferable limitation of claim 1 to new claim 10 and open-ending the "consists of" to having. New claims corresponding to some of the prior multiple claim dependencies are also added.

Before commenting on the van Gelder PCT publication WO 98/24980 of the rejection for anticipation under 35 USC 102, some important aspects of the present invention should be emphasized. Enclosed is a drawing of the ballastable lifting vessel (1) without the claimed lifting frames (12) or other auxiliary equipment. It is this structure, the lifting vessel (1), that lifts the marine structure to be lifted by dumping ballast. The sturdy and rigid U-shaped part of the lifting vessel (1) is submerged below the water surface when ballasted, thus providing structure-lifting buoyancy when unballasted. In this manner weight is saved and the center of gravity is considerably lowered. This results in improved lifting capacity with respect to the number of tons as well as to the center of gravity of the marine structure to be lifted. Please consult the specification for the operation of the claimed lifting frames (12) on the lifting vessel (1).

The structure of the cited van Gelder patent does not disclose a lifting frame or lattice work which is adjustable prior to lifting, but rigid upon lifting, in the vertical as well as in the two horizontal directions. Van Gelder discloses hydraulic lifting cylinders (4) that move in a vertical direction for lifting. The present invention, on the other hand, uses hydraulically operated lifting frames moving inwards and outwards, substantially horizontally, adapting to the width of the platform to be lifted. Before lifting, the frames are secured, bolted as in claim

8, for example, rendering them completely rigid in all directions. The fixed lifting frames (12) are then lifted by the lifting vessel to lift the marine structure.

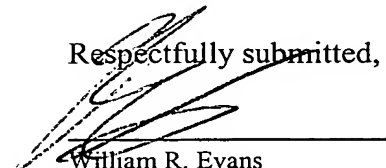
Furthermore, van Gelder describes interconnected vessels 1, and not a U-shaped lifting vessel.

Therefore, the motivation necessary to cite the van Gelder publication must be based on impermissible hindsight from the claimed invention itself. Rejection on this basis is not permitted.

If the van Gelder publication is properly cited, it does not disclose a vertical support structure (16) having a lower end hinged (21) to a lifting vessel (1), as claimed. The lifting vessel in the van Gelder publication is flotation bodies 1 and nothing is hinged to them. In van Gelder, lifting devices 2 are fixed to the flotation bodies 1, and the lifting devices 2 and not the flotation bodies or vessel have the hinged and hydraulically-operating lifting devices cited in the action.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



William R. Evans  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 25858  
Tel. No. (212) 708-1930

